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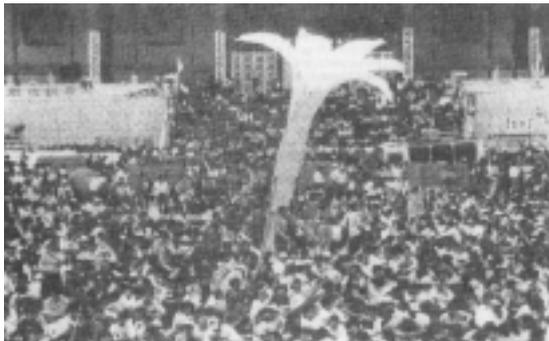
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“Taipei Spring” ?

Anachronistic process, but Lee promises reforms

On 21 March 1990, President Lee Teng-hui was “elected”, by some 670 mainly aging members of the National Assembly, to his first full six-year term as President. This result was not too surprising, since he was the only candidate. However, the election process, and the events surrounding it, focused international attention on the anachronistic political system in Taiwan.

Even before 21 March, it was obvious that — due to the pressure from the DPP and the “Young Turks” inside the Kuomintang — Mr. Lee would be compelled to implement reforms after the elections. However, it was a six-day student demonstration — begun by only a few dozen students from National Taiwan University — which provided the necessary impetus for President Lee: on the day of his election, in a meeting with 50 student-representatives, he promised that a National Affairs Conference (NAC) would be held in June or July 1990, at which decisions on far-reaching reforms would be taken.



“Wild Lily” at student-demonstration in Taipei

The KMT divided; the DPP in the streets

During the second half of February and the beginning of March 1990 some 670 aging “representatives” — elected in mainland China in the late 1940’s — converged on the stately Chungshan Hall, a mountain resort in the Yangmingshan mountains near Taipei. There they joined some 84 National Assembly members — elected in Taiwan in 1986 — for a 35 days’ meeting to “elect” the President and vice-President.

This system of “election” by the National Assembly has been in place since the 1940’s and ensured the reelection — time and again — of the Kuomintang’s strongman, first generalissimo Chiang Kai-shek, and later his son Chiang Ching-kuo. After the latter’s passing in January 1988, vice-President Lee Teng-hui inherited the leadership mantle, but lacked the powerbase to implement significant changes in the political system.

The specter of a few hundred octogenarians being herded into a mountain resort in order to decide that Mr. Lee would be President for the next six years, focused international attention on the fact that the political system in Taiwan is still dominated by aging Chinese mainlanders, who took power on the island more than four decades ago.

However, the elections did not go as smoothly as the Kuomintang had hoped. On the one hand, a group of aging mainlander Assembly-members — suspicious of Lee Teng-hui’s reformist tendencies — attempted to push a joint ticket of general Chiang Wei-kuo, the last-surviving son of Chiang Kai-shek, and Mr. Lin Yang-kang, a prominent Taiwanese politician, who presently serves as Judicial Yuan President.



On the other hand, the democratic opposition movement of the DPP and the increasingly active student movement organized large-scale demonstrations against the fact that several hundred octogenarians, elected on the mainland more

Old mainlander Assembly-members "at work"

than four decades ago, were deciding the future of the country. On the next pages, we present a summary of the events.

Eyewitness in the National Assembly

An eyewitness account by a reporter from the Taipei-based *The Journalist* magazine of one of the first meeting days of the 8th National Assembly:

“Such pathetic scenes would not be imaginable in any other parliament in the world. Today the wheelchairs congregated. Twenty-one aging members of the National Assembly, who were too infirm to move on their own, were wheeled in by relatives or nurses for their swearing-in ceremony. A 93-year-old member was too feeble to raise his right hand for the swearing in ceremony. A family member had to perform the swearing in ceremony in his behalf.

*The “wheelchair members” had been notified **not to appear on the opening day** of the National Assembly on 19 February 1990 in order “not to tarnish the image of the country.” The secretariat of the National Assembly went to great lengths to arrange a secretive swearing-in ceremony for the “wheelchair” members in order to avoid the scrutiny of the public. Seeing the medical equipment lying around at the scene of the swearing-in ceremony, one could mistake it for an intensive care unit of a hospital.*

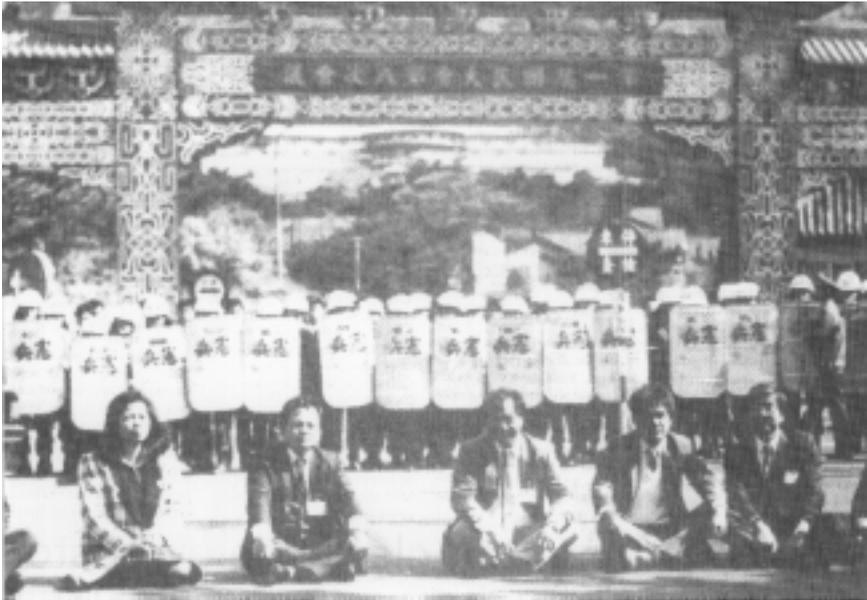
An aging member from Ho-Pei Province is 100 years old. He was still present today for the election of chairman for the Ho-pei Province. This is absolutely unprecedented in the world to see a member of the parliament, whose age approaches a century.

Even the KMT authorities were ashamed to let these “wheelchair members” be seen by the visiting foreign guests on the opening day. But in order to be able to control the election of the president and the vice-president, the KMT authorities could not afford to forego their “iron-votes.” For their selfish reasons, they demanded these aging members who are on the verge of dying to come to cast their last ballots for the party.

If KMT authorities are the culprits, then the family members are accomplices. For example, a senior member who just passed away a few days ago, had long been bed-ridden, but his family refused to allow him to retire. Another aging member, Mr. Huang Chiang, was lying in the intensive care unit of a hospital, when James Soong, the secretary-general of KMT paid him a visit to ask him to retire. Mr. Huang’s family sternly rejected Mr. Soong’s call for retirement. Mr. Huang died the next day after Mr. Soong’s visit.”

Never a dull Moment: the DPP in action in the Assembly

The 11 DPP-members of the National Assembly — apparently of the opinion that no serious business could be conducted during the 35-day gathering as long as the Assembly was dominated by the almost 700 octogenarian KMT-relics from the mainland — decided to act out some lively theatre. They started at the opening session, on 19 February: particularly Assembly-members Tsai Shih-yuan (deputy Secretary-General of the DPP), Huang Chao-hui, and Su Jia-chuan were active in raising objections, e.g. against the chairing of the meeting by Mr. Hsueh Yueh, a 93-years-old retired general, one of the leftover mainland representatives. After a considerable amount of pushing and shoving, the three DPP Assembly-members were dragged out of the Assembly Hall by plainclothes policemen.



DPP National Assembly members stage sit-down protest after being barred from National Assembly meeting at Yangmingshan

The DPP-members also protested against the text of the oath, which was used for the swearing-in ceremony: it contained the phrase “representing the people of the Republic of China.” The DPP considered this slightly outdated, and — in a separate swearing-in ceremony a few days later — changed it to “representing the people of **Taiwan.**”

This was unacceptable for the Kuomintang, which used it as an excuse to bar the DPP Assembly-members from the meetings altogether. In order to achieve this, the mountain resort where the meetings were being held was surrounded by hundreds of military police in riot gear, backed by barbed-wire barricades. Kuomintang delegates were told to stay inside, and the DPP-delegates were kept outside.

Only a young Kuomintang delegate, Ms. Hung Ying-hua, together with *Independence Evening Post* President Wu Fong-shan, who is an independent member of the Assembly, courageously spoke out against the expulsion of the DPP-members, declaring it a violation of the Constitution, which grants all Assembly-members the right to attend every session of the Assembly. Ms. Hung became an instant celebrity in Taiwan.

During the first two days after their expulsion, the “*DPP eleven*” attempted to gain entrance to the meetings, but were repulsed time and again by a tight cordon of military police. On the third day, March 15th, they tried again, this time accompanied by DPP chairman Huang Hsin-chieh, but even Mr. Huang was unceremoniously carried away by military police.

On 16 March, the DPP made a final attempt to establish communication with President Lee, this time by sending a delegation headed by chairman Huang Hsin-chieh to the Presidential Palace: again, they were unceremoniously dragged out. The DPP then decided to resort to their last weapon: a demonstration, which was held on Sunday, 18 March, and drew more than 20,000 participants.

Late in the afternoon on the same day, a group of some 30 members of the **Progressive Women’s Union** left the main demonstration, and moved to the residence of President Lee Teng-hui to urge him to initiate democratic reforms. However, they were forcefully dispersed by some 200 military police in full riot gear. Many of the women were kicked and beaten. Mr. Li Yi-yang, a member of the Taipei City Council, and an aide, who came to the assistance of the women, were kicked and beaten so severely that they had to be treated in a hospital.

The **Progressive Women’s Union**, headed by Ms. Lin Chiu-man, actively participates in the democratic movement in Taiwan, and has been instrumental in pushing for more democracy and human rights on the island. Its members include social and human rights activists, and relatives of political prisoners and DPP legislators.

The Lin - Chiang ticket fades away

Although President Lee Teng-hui and his handpicked running mate Li Yuan-tzu — until now a little-known secretary-general in the Presidential Office — were nominated in mid-February 1990 by the Kuomintang Central Committee as the official candidates of the Kuomintang Party, there was still a challenge: Aging mainlander Assembly-members — suspicious of Lee Teng-hui's reformist leanings — looked for ways to block the “Lee - Li” nomination. Theoretically this was possible, as a presidential candidate requires the endorsement of at least 100 members of the National Assembly. The aging schemers — realizing that a ticket headed by Chiang-dynasty scion Chiang Wei-kuo would invite major demonstrations in Taipei's streets — attempted to push a ticket headed by Judicial Yuan President Lin Yang-kang, with Mr. Chiang as vice-presidential candidate.

Initially, Lin and Chiang did not deny being interested in this possibility. In the beginning of March, they even jointly attended a luncheon thrown in their honor. This obvious opportunism — letting himself be used by the aging mainlanders — cost Mr. Lin dearly: his popularity nosedived, and within a few days he turned from one of Taiwan's most popular politicians into one of its least popular.

In the meantime, President Lee was not sitting still either: he engaged the assistance of eight elder KMT statesmen, including former KMT Secretary-General Tsiang Yien-si, to heal the intra-party rift, and to convince the “Lin - Chiang” duo to forego their higher ambitions and bow out. This ploy worked, and by March 10th (only a week-and-a-half before election date) Lin and Chiang withdrew.

In the process, Chiang received support from unexpected quarters: his father's arch-enemies, the Communist regime in Peking. According to a report in the Taipei-based *Liberty Times*, during a February 1990 meeting with an unnamed academic from Taiwan, PRC President Yang Shang-kun plaintively asked up to three times why Chiang Wei-kuo could not become president.

As if to return the favor, during a speech in the United States in mid-February 1990, Mr. Chiang expressed support for the crackdown by the Peking government on the Tiananmen Square student demonstrations in June 1989. One of the major forces behind the Tiananmen crackdown happens to have been PRC President Yang Shang-kun.

Taiwan Communiqué comment: Presumably the repressive octogenarian leaders in Peking still feel most at ease with their equally repressive geriatric mainlander

counterparts in Taipei, and mistrust native Taiwanese “youngsters”, such as Lee Teng-hui (age 69), because he might not adhere to old fictions such as “unification” Taiwan with China — an idea that is anathema to the Taiwanese majority, but still, officially at least, is the policy of the mainlander-dominated Kuomintang government in Taipei.

The Octogenarians attempt power-play

Ironically, the major undoing for the elderly members of the National Assembly came when they attempted to take advantage of the situation to expand their power, privileges ... and remuneration: with the DPP-delegates conveniently absent due to their expulsion, the old mainlander Kuomintang members pushed through four proposals, which were widely interpreted as a power- (and money-) grab:

1. the National Assembly should meet once a year, instead of once every six years;
2. the attendance fee for the (then annual) meetings should be increased from NT\$ 52,000 (approximately equivalent to US\$ 1850) to NT\$ 220,000 — a **fourfold** increase;
3. the National Assembly should have the right to initiate legislation and veto bills passed by the Legislative Yuan; and
4. the term of office of Taiwan-elected members (elected in 1986) should be increased from 6 to 9 years, in order to coincide with the date of the reelection of the President.

Particularly in view of the fact that the Assembly-members receive a salary of US\$ 4,000 per month and a generous travel allowance on top of that, these proposals were hard to swallow for Taiwan’s populace, and elicited immediate strong protests, eventually culminating in wide-spread student protests (see following story) and a DPP-organized demonstration on 18 March 1990, which attracted more than 20,000 participants.

Faced with such onslaught, the elderly Assembly warriors decided to “*shelve final consideration of the proposals until after the National Affairs Conference*” (a facesaving formulation for “indefinitely”).

Students demonstrate: “Tiny Tienanmen”

Beginning on Friday, March 16th, the normally rather placid university students in Taiwan began a historic six-day demonstration to demand political change. The students’ action was prompted by the anachronistic structure of the National Assembly, as well as by the attempts by the elderly Assembly members to expand their power and influence.

The demonstration began with only a score of students from National Taiwan University (*Taita*), who sat down in front of the Chiang Kai-shek Memorial in central Taipei to begin the peaceful protest. They carried a banner with Chinese characters done in brush strokes, which read “*Countrymen, how can we tolerate the oppression of 700 emperors ?*”

Soon students from central and southern Taiwan traveled to Taipei to join the demonstration. Within four days the number of students increased to several thousands. The students also formed a seven-member coordination-center, which insisted that the demonstration would be conducted only in a peaceful manner. They issued a statement in which they asked President Lee Teng-hui to:

1. dissolve the National Assembly,
2. abolish the “Temporary Provisions Effective during the Period of the Communist Rebellion” [emergency legislation passed in 1948 (!!) containing provisions restricting many of the freedoms guaranteed under the Constitution — Ed.],
3. hold a national conference to discuss constitutional changes, and
4. set a timetable for political and economic changes.

To emphasize their independence, they declined to link their demonstration with one of the opposition **Democratic Progressive Party**, which also held a mass-gathering on the square on March 18 and 19. Students also took turns to stand guard day and night to maintain order and to protect the safety of students who slept on the square. To show their solidarity with the students, a large number of professors also joined the sit-down. Thousands of onlookers, moved by the students’ determination, also joined the sit-down and slept on the square to show their support for the students’ action. The public provided food, drinks and sleeping bags. Donations also poured in.



Crowd of over 20,000 at DPP demonstration on 18 March 1990

In the early morning of 19 March 1990, at 2 a.m., Minister of Education Mao Kao-wen, arrived at the square to deliver a letter from President Lee Teng-hui to the students. President Lee said in his letter that he would continue with the political reform, and asked the students to terminate their demonstration and return to their classrooms. Disappointed by President Lee's letter, which offered no concrete reply to the four demands made by the students, ten students began a hunger strike on the morning of March 19.



"Wild Lily" at student-demonstration

On 20 March, the number of hunger strikers increased to 40. At the end 62 students joined the hunger strike. On

the same day, President Lee made the announcement that in response to the demand of public opinion, a national conference to discuss political reform would take place soon after the presidential election.

On 21 March, a sculpture of a giant, seven meter tall, wild lily was erected on the square. The flower was chosen as a symbol because it represents purity, strength and the grass-roots aspects of the students action. The wild lily can be found only on the high mountains of Taiwan, and it blooms in Springtime.

Two professors from *Taita*, who had been negotiating with the Ministry of Education to get President Lee to meet with the students, made the announcement that President Lee was willing to meet 50 student representatives in the Presidential Palace.

The meeting finally took place late in the evening on 21 March. During the meeting, President Lee promised that the national conference would take place soon after his inauguration in May, the time table for political and economic changes would be announced in his inaugural speech, also national reelection of the parliament and constitutional changes could take place within two years. However, Mr. Lee emphasized that he had no power to dissolve the National Assembly, but this issue would be discussed at the upcoming national conference.

On 22 March, student leaders decided early in the morning to terminate their demonstration and withdrew from the square. Their decision to withdraw was prompted by two reasons. Firstly, they accepted President Lee's sincerity in his reply to their demands. Secondly, they wanted their demonstration to end in peace before it got out of hand, as by 21 March, the number of students on the square was exceeding 10,000. It was also reported that a large number of pro-KMT students, accompanied by military advisers, had infiltrated the crowd and might instigate trouble.

President Lee promises far-reaching reforms

Even before the closing ceremony of the National Assembly meeting, which took place on Friday, 30 March, Mr. Lee's plan for reforms shifted into higher gear: on Wednesday, 28 March, the KMT Central Standing Committee requested the Party's Policy Coordination Committee and the KMT caucus in the Legislative Yuan to come up — within two weeks !! — with a “concrete and feasible” proposal to retire the old mainlander members of the three legislative bodies (the National Assembly, Legislative Yuan, and Control Yuan).

A few days later, on 2 April, Mr. Lee met for 90 minutes with DPP chairman Huang Hsin-chieh (who had earlier so unceremoniously been dragged out of the Presidential Palace), and agreed to far-reaching reforms. Mr. Huang presented the President with a list of seven concrete proposals for constitutional reform, and a timetable for their implementation in the form of a “NAC memorandum” issued by the DPP's Central Standing Committee on April 2nd. The list was as follows:

1. Termination of the “Period of Communist Rebellion” before 1 July 1990;
2. Retirement of all mainland-elected representatives in the three national-level legislative bodies before 1 September 1990;
3. Abolishment of the “Temporary Provisions Effective During the Period of Communist Rebellion” before 1 December 1990;
4. Holding general elections for all seats in the national-level legislative bodies before 31 December 1990;
5. Holding direct popular elections for the Provincial Governor before 30 June 1991;
6. Holding direct popular elections for the positions of mayor of Taipei and Kaohsiung before 30 June 1991;
7. Holding direct presidential elections no later than 31 March 1993;

President Lee responded that the first six measures would definitely be implemented within the next two years, but held back on the seventh proposal: this, he said, could

be discussed at the National Affairs Conference, foreseen for the beginning of July 1990.

Mr. Lee also announced that at his inauguration, on 20 May, he would make a surprise announcement regarding an amnesty and commutation of sentences, and the restoration of rights to (former) political prisoners. Being a former political prisoner himself, Mr. Huang Hsin-chieh has been deprived of his civil rights, and has been banned from running for public office.

Election follow-up

DPP County Magistrates off to a lively start

As we reported in our previous *Taiwan Communiqué* (no. 43, pp. 1-11) the December 1989 election results represented a major victory for the democratic opposition of the DPP. In particular the victories posted in the races for 21 county magistrate and city mayor positions were highly significant.

The newly-elected office holders lost no time in making their presence felt, and immediately after their inauguration on 20 December 1989, they initiated a number of measures designed to diminish the influence of the Kuomintang-controlled central government and increase local political power.

Particularly DPP Taipei County Magistrate Dr. You Ching was highly active in his first few weeks in office: he threatened to withdraw county funds deposited by his KMT-predecessor with the Central Bank of Taiwan at no interest, unless the Bank started to pay interest; he canceled funding of a large number of Kuomintang-party activities, which had been subsidized secretly by the county; he decided to block construction of a golf course on a piece of highly-valued riverside property and turn it into a much-needed public park, and also vowed to block construction of a fourth nuclear power plant at Kungliao.

Together with the other five elected DPP County Magistrates, plus independent Chiayi City Mayor Mrs. Chang Wen-ying, Dr. You formed the **Alliance to Restore Local Autonomy**: this local autonomy — allocation of wide-ranging powers to the local authorities — had been written into the 1946 Constitution, but had been “frozen” when

the Kuomintang authorities promulgated the “Temporary Provisions Effective During the Period of Communist Rebellion” in March 1948. These provisions — which are still in force today — suspended many of the rights guaranteed under the 1946 Constitution.

The alliance also planned a number of measures designed to bring public life in Taiwan into the 20th century: these measures include introduction of a five-day working week for civil servants, and canceling the celebration of “national holidays” dating back to the times when the KMT ruled mainland China.

Legislative Yuan session opens noisily

As we reported in the previous issue of *Taiwan Communiqué*, the December 1989 elections meant that the DPP almost doubled its representation in the Legislative Yuan from 11 to 21 seats. In fact, the democratic opposition can in practice count on 23 votes, as both former Ilan County Magistrate Chen Ting-nan, and former Chiayi mayor Ms. Chang Po-ya — who ran for a seat in the Legislative Yuan as independents — generally align themselves closely with the DPP.

The DPP-delegation was thus able to enter the new session of the Legislative Yuan with renewed strength. This it did with a vengeance !! On Friday, 9 February, at the swearing-in ceremony for the new Legislative Yuan session, the DPP focused their wrath on the so-called “overseas Chinese” legislators, 29 legislators — most of whom holding dual citizenship — appointed by the Kuomintang from the KMT-faithful around the world, and who purportedly represent the overseas Chinese communities.

The DPP legislators argued that these legislators were not democratically-elected, thus have no legitimacy, and have no right to be involved in making decisions for the people of Taiwan. In addition, they receive high salaries and travel allowances, and thus cost the Taiwan taxpayers large amounts of money. The ceremony ended in chaos.

The next major confrontation came on Tuesday, 20 February, on the occasion of the “election” of chairman and vice-chairman of the Legislative Yuan: until now this had always been a sedate affair, with the KMT-nominees often being the only candidates, and thus assured of a “major victory.”

This year, things were different: the DPP fielded their own candidates for the positions of speaker and vice-speaker: respectively Kaohsiung-based lawyer Chang Chun-hsiung, a highly-respected four-time legislator, and Ms. Chang Po-ya, the former mayor of Chiayi, who was elected to the Legislative Yuan as an independent legislator.

Although — because of the large numbers of elderly mainland-elected KMT-legislators in the Legislative Yuan — the pair did not stand a chance, the candidacy represented a significant step in the direction of multi-party politics.

Still, the sailing for the KMT-candidates was not smooth: the February 20th session was marked by lengthy interpellations by DPP-legislators against the proposal of the Kuomintang to “elect” 69-year-old Liang Su-yung, elected in 1948 in far-off Shantung Province (bordering on Manchuria) in mainland China, as Speaker of the Legislative Yuan. In the meantime, outside the Legislative Yuan building a crowd of several thousand, demanding parliamentary reforms, got into conflict with riot troops, leaving some 70 people injured. The election was postponed to February 27th.

In the end, Mr. Liang was elected, but calls for his resignation continued, both from the opposition DPP as well as from the “Young Turk” Taiwan-elected legislators of the Kuomintang. At a session at the end of March 1990, no less than 62 (out of 101) Taiwan-elected legislators called for Liang’s resignation and for the election of a speaker elected on the island instead of more than 40 years ago on the mainland.

Local elections marred by violence

On 20 January 1990, local elections took place in Taiwan for a total of 842 seats on county, city and town councils, and 309 local executive positions. Kuomintang-nominated and -approved candidates won some 70 % of the positions, while the DPP — which had not been able to put much effort in these elections, following the major effort in December — won 48 (or 5.7%) of the positions on county and township councils, and only 7 (or 2.3%) of the city and township executive positions.

Independent candidates did surprisingly well: they won 145 (or 17.2%) of the positions on county and township councils, and 43 (or 13.9%) of the city and township executive positions. Interestingly, according to local press reports, quite a number of these independents were Kuomintang candidates who had not registered their party affiliation, apparently viewing the KMT-label more as a liability than an asset.

The elections were marred by violence: on 30 December 1989, Mr. Tsai Chin-hsing (55), the DPP-candidate for the position of mayor of Taliao township in Kaohsiung County was shot by two assailants. Mr. Tsai was a top campaign aide to Mrs. Yu Chen Yueh-ying, the victorious DPP Kaohsiung County Magistrate. Mr. Tsai died on 10 January.

On 3 January, another candidate, Mr. Liu Feng-ming, who was running for the position of mayor of Sanhsia township in Taipei County, was shot by unknown assailants after receiving threatening phone calls. Mr. Liu survived the shooting. In Changhua County, a campaign aide of a candidate for a village mayor was shot in the leg after a fistfight with supporters of a rival candidate.

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Remembering “28 February 1947”

For the first time since 1947, the Kuomintang authorities this year gave in, albeit with great reluctance, to the increasing pressure of the Taiwanese majority on the island to officially commemorate “February 28.” In the 1947 incident, Kuomintang troops sent in from the mainland butchered between 12,000 and 20,000 native Taiwanese, who were protesting corruption and repression by the newly arriving Chinese Nationalists.

In the Legislative Yuan and the National Assembly, members of both the DPP and KMT observed a minute of silence to commemorate the incident. However, some older mainlander members, elected in 1947 in China and “frozen” in their positions since then, remained seated. In Chiayi City, newly elected mayor Chang Wen-ying led high-ranking city government officials to pay tribute to the dead at a memorial established in the city last year (see *Communiqué* no. 41 pp. 22-23).

The prestigious National Taiwan University and other local universities and colleges also held memorial exhibitions and rallies to inform the students about the incident. The matter has been a taboo topic in Taiwan during the past four decades since the Kuomintang wanted to whitewash the incident. However, since 1986, there has been a grassroots movement pressuring the authorities to let the facts be known, to establish a national “February 28” memorial, and to declare the date a national “Peace Day.”

Also on 28 February, a memorial service was held in Gikong Church in Taipei to commemorate the mother and daughters of Mr. Lin Yi-hsiung. Mr. Lin is a prominent opposition figure who was arrested after the “Kaohsiung Incident” of 10 December 1979. His mother and 7-years’ old twin-daughters were murdered on 28 February 1980, after Lin had let it be known that he had been tortured by agents of the Investigation Bureau of the Ministry of Justice. The Taipei authorities have still not solved the murder, although there are clear indications of complicity by the secret police (see *Taiwan Communiqué* no. 38, pp. 9-11).

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Report from Washington

by Marc J. Cohen

The 1989 State Department Human Rights Report

Assessing the state of human rights in a country that is undergoing rapid political change is a tricky business, especially when there are both positive developments and serious violations going on at the same time. The U.S. Department of State's report on human rights in Taiwan for 1989 presents a comprehensive look at a very complex picture.

The report calls Taiwan's December 1989 elections "the most free and fair in Taiwan's history," and notes that the lawmaking Legislative Yuan has become increasingly important "as a forum for policy debate" that is "gradually becoming a more representative body." Nonetheless, it also says that there is substantial reason to doubt the independence of the judiciary, and important restrictions remain in the areas of freedom of expression, movement, and association, as well as on women's and workers' rights. Despite the "transition ... to a more open and pluralistic system," it correctly concludes that "**the people do not yet have the ability to change their government through democratic means.**"

Taiwan Communiqué would like to commend the report's authors for producing a thorough discussion of both the improvements and problems on the island. We are especially pleased to see that the State Department is willing to incorporate suggestions of human rights organizations in the report. Still, there are some serious weaknesses. Below we highlight some of the main deficiencies in the report.

Political and other Extrajudicial killings: In a curious omission, the report fails to discuss the September 1989 murder of opposition patriarch Yu Teng-fa (see *Taiwan Communiqué* no. 42). The family of Mr. Yu certainly believes it was a political murder, and (as often is the case with political murders in Taiwan) the police still has not solved it. By not discussing the matter at all, the report implicitly supports the attempts by the authorities in Taiwan to whitewash the matter. Also, as in past reports, there is still no mention in the report of the unsolved political murders of the early 1980's (see *Taiwan Communiqué* no.'s 38-39).

Torture: In a major improvement over past reports, there is an extensive discussion of the routine mistreatment of criminal suspects in police custody. However, the report continues to omit references to the numerous deaths in police custody, as documented by *Taiwan Communiqué* and others over the past several years.

Denial of a Fair and Public Trial: In what is generally a good discussion of the KMT's use of "sedition" charges to stifle discussion of Taiwan independence and other dissident views, there is no mention of the authorities' consistent inability to produce evidence that the defendants in such cases sought to overthrow the government (the definition of "sedition").

Freedom of Peaceful Assembly and Association: the report states that "demonstration organizers may be held responsible for the behavior of participants," and gives examples of how the **Assembly and Demonstration Law** has been used to prosecute opposition leaders. It does not note that in each instance, the persons prosecuted neither advocated nor engaged in violence. Moreover, the KMT's underlying legal theory in this area is literally medieval: the leader is directly responsible for the acts of his followers (*respondiet superior*), a concept not found in modern democratic jurisprudence.

The report also says that candidates who campaigned outside the legally permitted two week period prior to last years' elections were not prosecuted. It should have added that the statute of limitations for such prosecutions is 10 years. Nor does the report discuss the legal harassment of efforts to establish an independent citizens' monitoring group to assure fair campaigning and balloting.

Freedom of Movement: the discussion of "blacklisting" of overseas Taiwanese is greatly improved over the rather poor analyses of the past, and the case of the imprisoned Canadian-Taiwanese leader Luo Yi-shih is mentioned. However, the report also should have noted the police brutality against Luo when he was arrested.

Respect for Political Rights: neither in this section nor in any other is there any discussion of vote-buying and other ballot fraud during the December 1989 election (see *Taiwan Communiqué* no. 43).

Openness to Human Rights Investigations: The report says that Taiwan authorities permit representatives of international human rights organizations, including **Amnesty International** and **Asia Watch**, to visit and meet Taiwan citizens freely. While *Taiwan Communiqué* is pleased that our colleagues from other human rights organizations have been given access to Taiwan, we must point out that following the end of martial law the Taiwan authorities have refused to grant visa to the entire

editorial staff of our publication, three times in 1989 alone (Ironically, before July 1987, when martial law was still in force, we didn't have too many problems entering Taiwan!!). The State Department is well aware of this. We thus must take strong exception to this erroneous statement.

Justice at last for Henry Liu ?

On 29 December 1989, a U.S. Federal Appeals Court in San Francisco ruled that the Kuomintang government can be held responsible for the murder of Chinese-American journalist Henry Liu (see *Taiwan Communiqué* no.'s 18-21). Gangsters from Taiwan, hired by the KMT's military intelligence chief, assassinated Liu at his California home in October 1984 after he refused to stop publishing books and articles criticizing the Nationalist Chinese rule.

Liu's widow Helen had sued the KMT government and others for US\$ 200 million, but in September 1987, U.S. District Court judge Eugene Lynch had dismissed the suit. Lynch claimed that under the "act of state doctrine," he was bound to accept the finding of the KMT's courts that the intelligence director, Admiral Wang Hsi-ling, had acted on his own and not in his official capacity. The appellate panel insisted that "Wang's act was committed within the scope of his employment," and sent the suit back to Lynch for trial on the merits and assessment of damages.

In a related development, on 9 February 1990, a California Appeals Court upheld the 27-years' to life imprisonment sentence of Mr. Tung Kuei-sen, one of the **Bamboo Union** gangsters who murdered Mr. Liu.

U.S. Government sued on Taiwan Labor Rights

On 29 March 1990, the Washington-based **Asia Resource Center** joined a number of other U.S. human rights and labor groups in suing the U.S. government for failing to observe the labor rights provisions of the Generalized System of Preferences (GSP).

The GSP program extends duty-free treatment to products exported to the U.S. by developing countries, provided those countries meet criteria including respect for internationally recognized labor rights. During the past few years, the Asia Resource Center and U.S. labor unions have presented the U.S. Trade Representative (USTR) — responsible for implementing the GSP program — with extensive documentation of the failure of the Taiwan authorities to uphold the most basic labor rights: until 1987 the ruling Kuomintang exercised martial law powers which prohibited strikes; unions

were under strict KMT control; and Taiwan's industries had one of the highest rates of accidental deaths in the world, without any provisions for worker compensation.

The case may have important implications for U.S. — Taiwan trade relations: if a U.S. Court orders the USTR to uphold a strict interpretation of the GSP law, then the Administration will also have to enforce other laws which deny benefits to, and/or impose sanctions on countries whose governments fail to uphold internationally recognized labor rights. This would not only end Taiwan's eligibility for benefits from the U.S. Overseas Private Investment Corporation, but also make Taiwan subject to major sanctions under Section 301 of the U.S. Trade Act for unfair trade practices.

Other plaintiffs in the suit include the International Labor Rights Education and research Fund, a non-profit organization headed by former U.S. Labor Secretary Ray Marshall; the North American Coalition for Human Rights in Korea; Human Rights Watch, the Lawyers' Committee for Human Rights; and the AFL-CIO and several of its affiliated unions.

Prison Report

Huang Hua Charged with "Sedition" for Advocating Independence

As we reported in our previous *Taiwan Communiqué* (issue no. 43, pp. 16-18) Mr. Huang Hua was subpoenaed to appear before the Taiwan High Court on 23 December 1989 to answer questions on possible "sedition" charges for advocating Taiwan independence. He refused to appear, but issued a statement explaining his position instead.

On 2 January 1990, the soft-spoken Mr. Huang was indicted on charges of "conspiring to commit sedition" for his role in promoting the **New Nation Movement**, which has urged the Taiwan authorities to drop their outdated claim to sovereignty over all of China, and to move towards a new, democratic, and independent Taiwan.

In response, Mr. Huang stepped up his peaceful campaign for independence and even announced that he would run as DPP-candidate for the Presidency. Since under the present anachronistic system the President in Taiwan is still chosen by the National Assembly, dominated by old mainlanders elected on the China mainland more than four decades ago, Mr. Huang's candidacy did not have any chance, but it focused attention on the backwardness of the Kuomintang's political structure.

Canadian-Taiwanese Leader Indicted on “Sedition” Charges

As we reported in our previous *Taiwan Communiqué*, Mr. Leo Yi-sheh (“Columbus” Leo, age 29), a prominent leader in the Canadian-Taiwanese community, was arrested in Taiwan at the end of November 1989, when he was on the island to observe the elections. On 30 December 1989, Mr. Leo was sentenced to 10 months imprisonment.

However, on 12 January 1990, Mr. Leo was also indicted by the Taiwan High Court on charges of “preparing to commit sedition.” Mr. Leo was charged under Article 2(3) of the “Statute for the Punishment of Rebellion”, an outdated statute dating back to the period when the Kuomintang authorities still ruled mainland China. At the time this issue of *Taiwan Communiqué* was going to press, it was announced that the trial was going to take place on 7 April 1990. If convicted, he could be sentenced to at least ten years’ imprisonment.

The charges against Mr. Leo are based on speeches he made during a visit to Taiwan in August 1989, when he returned to the island to organize the annual convention of the **World Federation of Taiwanese Associations**, the main umbrella-organization for overseas Taiwanese. In the speeches, Mr. Leo appealed to the authorities to move towards a free, democratic and independent Taiwan.

Taiwan Communiqué considers the charges against Mr. Leo — and those against independence-advocate Huang Hua — to be purely politically-motivated, and a grave violation of free speech. The Taiwanese people, both on the island and overseas, have the **right** to peaceful expression of their views of the future of Taiwan. We strongly urge the Kuomintang authorities to drop the charges against the two men immediately, to allow an open discussion on the independence issue, and to move towards a truly free and democratic political system on the island.

According to the London-based human rights organization Amnesty International — which has adopted Mr. Leo as a prisoner of conscience, and has called for his immediate and unconditional release — Mr. Leo was severely punched and beaten by the police agents during his arrest on 29 November 1989. In a statement to his lawyer, Mr. Leo said:

“Around 7.45 p.m. we left the church to go outside. Around eight to ten people came towards us and, without questions and warrant, dragged me to a police van. I was pushed and punched all the way into the van. In the van, I was punched several times on the chest and in the groin area. They yelled

at me: ‘it is better if you are beaten to death. In any case, there is no one to see you being beaten’ ... When we got to the police station, one of them threatened me: ‘a few years ago, you would have been thrown into the sea’.”

Mr. Leo is a former president of the Taiwanese-Canadian Association of Toronto, a member of the Central Committee of the Formosan Association for Public Affairs (FAPA), and the General Director of the 1989 annual convention of the World Federation of Taiwanese Associations (WFTA), which was held in Kaohsiung from 10 through 13 August 1989.

Police who tortured detainee get off lightly

The widespread use of torture by police and prison officials has been a continuing problem in Taiwan for many years (see *Taiwan Communiqué’s* no. 26, 27, 31, 33, 35, 36, and 39). We have documented the cases of some 20 deaths of detainees in police custody since the beginning of 1986. In 1988 alone, eight persons were known to have died due to mistreatment by police or prison authorities.

That, in spite of protests from human rights organizations, the practice is still continuing may be concluded from the following case, which was recently reported in the press in Taiwan:

In mid-1989 a Taipei resident was taken to the Hoping West Road Police Station for questioning. There, three policemen started to torture him to make him confess that he had extorted money from an acquaintance. In a lawsuit, which he later filed against the three, the man said that the policemen hit his head with their pistol butts, whipped his feet with a belt, hung him upside down in the interrogation room, and pushed a toothpick into his genitals. The policemen afterwards took him to a hospital to have his injuries treated, but fearing that they would leave evidence of the torture, they registered him under the name of one of their own, and burned his blood-stained clothes.

After his ordeal, the man courageously filed a lawsuit against the three, and the policemen stood trial before the Taipei District Court. However, in a regrettable display of weak-kneed-ness, the Court let them off lightly: in the beginning of January 1990, the Court handed down **suspended** jail terms of 14 to 18 months, because the policemen “*administered the torture out of an eagerness to perform well*” !!

Freedom of the Press ?

Journalist arrested on “sedition” charges

On 1 March 1990, Mr. Hsieh Chien-ping, a journalist who is serving his military service on the offshore island, Matsu, was arrested because he allegedly violated military regulations. However, human rights organizations believe that Mr. Hsieh's political writings were the real reason for his arrest.

Before Mr. Hsieh entered the military service in September 1989, he worked as an editor for *Democratic Progressive Weekly*. In April 1989, the Ministry of Defense accused Mr. Hsieh of “spreading rumors” after he published an article in which he described a mutiny of troops with armored vehicles on the off-shore island of Kinmen. The article appeared in issue No. 114 on 21 April 1989.

The article stated that more than 20 soldiers staged a mutiny by attempting to seize armored vehicles. After the mutiny attempt failed, all the soldiers were reportedly executed. The publisher of *Democratic Progressive Weekly*, Ms. Kuo Chao-yen has been indicted on sedition charges for reporting on the case.



Mr. Hsieh Chien-ping

Mr. Hsieh has also published a book, containing a collection of his poems entitled “The Taiwan State” in which he wrote about his yearnings for an independent state of Taiwan and his concern for the land and the environment. His book was banned by the Tainan county government.

Mr. Hsieh's family was notified in early March 1990 about his arrest. He is being detained in the military detention center on Matsu. He is not allowed to receive visitors and to write letters. Because he is held **incommunicado** on a remote offshore island, friends are concerned about his treatment in detention.

Mr. Hsieh was born in 1965 in Tainan. He graduated from the School of Journalism in Taipei. Mr. Hsieh is a close friend of Mr. Chen Wei-tu, who is serving a prison term of 8 years on sedition charges (see *Taiwan Communiqué* no. 41, p. 20). Mr. Hsieh joined the opposition movement following the arrest of Mr. Chen.

“Voice of Democracy” TV station closed down

During the night of 29 March 1990, some 100 policemen and officials of the Government Information Office (GIO) converged on a building on Yangmingshan Mountain which housed a clandestine TV-station of the opposition Democratic Progressive Party. Over US\$ 1 million worth of equipment was confiscated.

The move is part of a running battle between the opposition and the authorities over freedom of the press in the electronic media: the three existing TV-stations and some 31 radio stations are closely controlled by the ruling Kuomintang. Applications by the democratic opposition for licenses to operate radio or TV stations are routinely turned down by the Government Information Office.

To get around the Kuomintang’s control of television, the DPP started in November 1989 — during the election campaign — to broadcast from clandestine stations, using bits and pieces of imported equipment. The broadcasts were quite successful, but always had to be brief, in order to avoid detection by the authorities. According to a spokesman for the opposition’s TV-effort, the opposition still has five transmitters set up around the island. The battle for the airwaves continues.

Notes

Environmental Concern Growing

Greenpeace would have felt right at home: on 24 March 1990, two men climbed on top of a ten-story storage tank at the China Petroleum Corporation’s (CPC) oil refinery in Houchin (near Kaohsiung) and unfurled large banners protesting the proposed construction by CPC of a fifth naphtha cracking plant. Below, several hundred supporters carrying protest banners marched to the gates of the refinery.

“Houchin” has become a household word for the environmental community in Taiwan: the scene of major pollution by the CPC’s refinery, in October 1987 it became the rallying point for the anti-pollution, pro-conservation movement in Taiwan when residents from surrounding villages started to block the entrance to the plant, leading to large-scale confrontations with police at the plant and in Taipei (see *Taiwan Communiqué* no. 32, pp. 18-20). The 24 March event at Houchin was one of a series

of recent grass-roots demonstrations, which have been organized all around the island in protest against the disregard and outright neglect by the authorities of the environment. Other recent events are the demonstrations in Taipei County against the proposed fourth nuclear power plant at Kungliao, and protests against lead poisoning in a scrap-metal factory in Keelung.

Another environmental controversy erupted in Kaohsiung after some 550 residents living near a water waste treatment plant near Chungchou had to be hospitalized after toxic chlorine gas leaked from the plant on Thursday, 22 March 1990. On the next day, Friday, 23 March, a demonstration by some 1,000 residents erupted in violence when the gathering was encircled by some 800 riot police. Approximately 50 persons were injured.

The events led to calls for the resignation of Mr. Su Nan-cheng, the Kuomintang-appointed mayor of Kaohsiung, for his alleged mishandling of the matter. The Kaohsiung City Council began a one-week recess in protest against the mayor, and on 26 March 1990, the Legislative Yuan passed a motion asking the Executive Yuan to replace Mr. Su.

To GATT or not to GATT ?

On 1 January 1990, the Kuomintang authorities in Taipei submitted an application for membership to GATT, the **General Agreement on Tariffs and Trade**. The interesting aspect of the matter was that the application was made under Article 33 of the GATT General Agreement under the name "Taiwan, the Pescadores, Kinmen and Matsu." Article 33 provides the possibility for membership of a government "acting on behalf of a separate customs territory possessing full autonomy in the conduct of its external economic relations."

Taiwan's move must be seen against the background of the attempts by President Lee Teng-hui and his government to counteract the PRC through "flexible diplomacy", and to move Taiwan out of its international diplomatic isolation while maintaining — for the time being at least — most of the outdated political structure brought over from the mainland by Chiang Kai-shek's Chinese Nationalists (see "The Kuomintang's flexible diplomacy," in *Taiwan Communiqué* no. 40, pp. 10-12).

Initially, China's acting ambassador in Geneva said that Taiwan's membership would be "utterly illegal", but on 27 February Chinese Foreign Minister Chien Chi-chen stated in Geneva that membership of Taiwan could be considered, "once China's own

admission has been finalized.” The PRC submitted its admission in 1986, but it has been held up, first due to the lack of economic reforms on the mainland, but after the Tienanmen Incident of 4 June 1989, the 97 GATT members showed even less inclination to approve China’s admission.

Taiwan Communiqué comment: *we suggest that the international community should support Taiwan’s membership, but only on the condition that it is indeed under the name “Taiwan”, and not — hidden somehow — under the name “Republic of China.” Taiwan has a population of 20 million, more than that of 130 United Nations members, and is the 13th largest trading nation in the world; a major economic power to be reckoned with. It is thus right and proper that the island-nation becomes a member of GATT.*

The problem with the People’s Republic of China can be minimized if the authorities in Taiwan indeed drop their claim to sovereignty over the Chinese mainland. This claim is the main source of friction between the two countries, and should thus be removed as soon as possible. International pressure on Taipei can help bring this about. Taiwan’s GATT membership can in this way contribute to a reduction of tension in the area, to increasing trade between Taiwan and China, and eventually to a peaceful coexistence between the two countries.
